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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,304	12/21/2001	Robert Skog	040010-938	3315
27045	7590	07/21/2004	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			RAMPURJA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2683	8

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,304

Applicant(s)

SKOG ET AL.

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Objections

Claim 6 is objected to because of the following informalities: "Claim 6 should depend on claim 1". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 1-4, 7, 11-14, 17, 21-24, 27, 31-34, & 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sladek et al. [US 6718178] (hereinafter Sladek), in view of Muhonen. [WO 99/66746] (hereinafter Muhonen).

1. Regarding Claim 1, Sladek disclose the method for sending a multimedia message (col.9; 2-12) to a mobile device (abstract), comprising:
sending the multimedia message to a server; (28; fig.3; col.12; 49-59)
sending a notification to the mobile device from the server, (col.15; 1-9).

Sladek fails to disclose the address of the server. However, Muhonen teaches in an analogous art, that wherein the notification includes the address of the server and indicates that a multimedia message is available to be retrieved by the mobile device from the server (pg.12; lines 21-30); automatically retrieving the multimedia message from the server in response to receipt of the notification; and storing the multimedia message in the mobile device. (pg.13; lines 25-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the address of the server in order to provide a method for transmitting messages between a mobile station and a second party.

11. Regarding Claim 11, Sladek disclose a method for sending a multimedia message (col.9; 2-12) to a mobile device (abstract), comprising:
sending a multimedia message initially to a sender's server; (28; fig.3; col.12; 49-59)
sending a notification to the mobile device from the sender's server, (col.15; 1-9).

Sladek fails to disclose the address of the server. However, Muhonen teaches in an analogous art, that wherein the notification includes the address of the sender's server and indicates that a multimedia message is available to be retrieved by the mobile device from the sender's server (pg.12; lines 21-30); sending a request to retrieve the multimedia message from the sender's server to a server of the mobile device from the mobile device in response to receipt of the notification, wherein the request includes the address of the sender's server; retrieving the multimedia message from the sender's server by the server of the mobile device; retrieving the multimedia message from the server of the mobile device by the mobile device; and storing the multimedia message in the mobile device. (pg.13; lines 25-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the address of the server in order to provide one or more service preferences for the mobile phone from a simulated mobile phone display on an internet web page.

21. Regarding Claim 21, Sladek disclose a system to send multimedia messages (col.9; 2-12) to a mobile device, (abstract) the system comprising:
in a server, logic configured to: receive a multimedia message; (28; fig.3; col.12; 49-59)
in response to receipt of the multimedia message, sending a notification to the mobile device, (col.15; 1-9).

Sladek fails to disclose the address of the server. However, Muhonen teaches in an analogous art, that wherein the notification includes the address of the server and indicates that a multimedia message is available to be retrieved by the mobile device from the server; in the mobile device, logic configured to (pg.12; lines 21-30):

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automatically retrieve the multimedia message from the server in response to the notification; and store the multimedia message in the mobile device. (pg.13; lines 25-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the address of the server in order to provide one or more service preferences for the mobile phone from a simulated mobile phone display on an internet web page.

31. Regarding Claim 31, Sladek disclose the system to send multimedia messages (col.9; 2-12) to a mobile device, (abstract) the system comprising:

in a sender's server, logic configured to: initially receive a multimedia message; (28; fig.3; col.12; 49-59) and

send a notification of the multimedia message to the mobile device, (col.15; 1-9)

Sladek fails to disclose the address of the server. However, Muhonen teaches in an analogous art, that wherein the notification includes an address of the sender's server and indicates that a multimedia message is available to be retrieved by the mobile device (pg.12; lines 21-30); in the mobile device, logic configured to send a request to a server of the mobile device in response to receipt of the notification, wherein the request includes the address of the sender's server; in the server of the mobile device, logic configured to retrieve the multimedia message from the sender's server; in the mobile device, logic configured to: retrieve the multimedia message from the server of the mobile device; and store the multimedia message in the mobile device. (pg.13; lines 25-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the address of the server in order to provide one or more service

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preferences for the mobile phone from a simulated mobile phone display on an internet web page.

2. Regarding Claims 2, 12, 22, & 32 Sladek disclose The method of claims 1, 11, 21, & 31 respectively wherein the mobile device is a mobile telephone. (48; fig.8)

3. Regarding Claims 3, 13, 23, & 33 Sladek disclose The method of claims 1, 11, 21, & 31 respectively further comprising: sending the multimedia message to the server (28; fig.8) from another mobile device. (46; fig.8; col.12; 49-59)

4. Regarding Claims 4, 14, 24, & 34 Sladek disclose The method of Claims 3, 13, 23, & 33 respectively, wherein the mobile device and the another mobile device are mobile telephones. (46 & 48; fig.8)

7. Regarding Claims 7, 17, 27, & 37 Sladek disclose The method of claims 1, 11, 21, & 31 respectively, wherein the server is a MMS server. (col.9; 2-12 & col.15; 45-63)

Claims 5-6, 15-16, 25-26, & 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sladek & Muhonen, further in view of Rueger et al. [US 2003/0018806] (hereinafter Rueger).

5. Regarding Claims 5, 15, 25, & 35 The above combination disclose all the particulars of the claim except the mobile telephones are in a same or different PLMNs addressed

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with MSISDN. However, Rueger teaches in an analogous art, that The method of claims 4, 14, 24, & 34 respectively wherein the mobile telephones are in a same or different PLMNs addressed with MSISDN. (pg.3; 0042) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the mobile telephones are in a same or different PLMNs addressed with MSISDN in order to provide a message server for handling messages that can easily operated and integrated into different telecommunication networks.

6. Regarding Claims 6, 16, 26, & 36 The above combination disclose all the particulars of the claim except sending the notification using SMS as bearer and addressed to the mobile device's MSISDN number. However, Rueger teaches in an analogous art, that The method of claims 1, 11, 21, & 31 respectively further comprising: sending the notification using SMS as bearer and addressed to the mobile device's MSISDN number. (pg.3; 0067) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include sending the notification using SMS as bearer and addressed to the mobile device's MSISDN number in order to provide a message server for handling messages that can easily operated and integrated into different telecommunication networks.

Claims 8, 18, 28, & 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sladek & Muhonen, further in view of Okada et al. [US 6463134] (hereinafter Okada).

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8. Regarding Claims 8, 18, 28, & 38 the above combination disclose all the particulars of the claim except the notification includes a WAP Push. However, Okada teaches in an analogous art, that The method of claims 7, 17, 27, & 37 respectively further comprising: sending a notification from the MMS server to a PAP server (20; fig.1; col.16; 12-15); and sending the notification from the PAP server to the mobile device, wherein the notification includes a WAP Push. (col.17; 13-24) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the notification includes a WAP Push in order to provide an easy response system that can operate in different protocols.

Claims 9-10, 19-20, 29-30, & 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sladek, Muhonen, & Okada further in view of Daly et al. [US 6393014] (hereinafter Daly).

9. Regarding Claims 9, 19, 29, & 39 the above combination disclose all the particulars of the claim except sending an HTTP GET request from the mobile device. However, Daly teaches in an analogous art, that The method of claims 8, 18, 28, & 38 further comprising sending an HTTP GET request from the mobile device in order to automatically retrieve the multimedia message. (col.3; 26-31) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include sending an HTTP GET request from the mobile device in order to enhance a user's capability of communicating with an internet network using hand-held device.

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10. Regarding Claims 10, 20, 30 & 40 Sladek disclose The method of claims 8, 18, 28, & 38 further comprising sending the multimedia message from another mobile device to the MMS server. (46; fig.8; col.12; 49-59)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Fri. (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad Rampuria
July 15, 2004


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